

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MONSANTO COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-CV-1812-SNLJ
)	
HENSEL SEED SOLUTIONS LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court following assignment to the undersigned.

The Eighth Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006). “A plaintiff who seeks to invoke diversity jurisdiction of the federal courts must plead citizenship distinctly and affirmatively.” 15 James Wm. Moore, et al., *Moore’s Federal Practice* § 102.31 (3d ed. 2010).

The Complaint (#1) asserts that the Court has jurisdiction over the action under 28 U.S.C. § 1332 because the lawsuit is between citizens of different states and the matter in controversy exceeds \$75,000. The Complaint alleges “upon information and belief, the sole member of Defendant, a limited liability company, is citizen of Illinois.” (#1 at ¶ 2.)

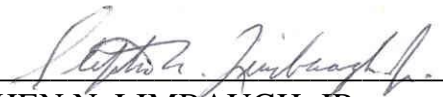
The Eighth Circuit has held that limited liability companies are citizens of every state of which any member is a citizen. *See GMAC Commercial Credit, LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). The information provided by the complaint is insufficient for the Court to examine the citizenship of each member of defendant. Furthermore, this Court is required to examine the parties for any potential conflicts of interest that the undersigned might possess. See 28 U.S.C. § 455. The Court will grant plaintiff twenty-one days to file an amended complaint that alleges facts showing the required diversity of citizenship.

Accordingly,

IT IS HEREBY ORDERED that, by November 16, 2018, plaintiff shall file an amended complaint in accordance with this memorandum.

IT IS FURTHER ORDERED that all other proceedings in this case are **STAYED** pending further order of this Court.

Dated this 26th day of October, 2018.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE